

**REMARKS**

Claims 26, 31 and 32 are canceled. Claims 21, 23, 24, 28, 29, 30 and 33-36 have been amended. Claims 21-25, 27-30 and 33-36 remain in the application. It should be appreciated that the amended claims merely clarify the invention disclosed by the Applicant and are consistent with the specification and drawings.

The specification was objected to because of an informality with the reference number for a computer system 126 on page 5, line 6. A substitute specification is submitted concurrent with this amendment to correct this informality. Applicant respectfully submits that the specification is now in a condition for allowance.

Claims 21-36 were rejected under 35 U.S.C. §102(e) as being anticipated by Ehrman et al. Applicant respectfully traverses this rejection.

United States Patent Publication Number 2001/0037298 A1 to Ehrman et al. discloses an automobile vehicle rental return and billing system. The system includes a vehicle 1, having a unique vehicle identifier, that is to be rented and removed from a vehicle renting lot. Each vehicle is provided with a device 14 having a transmitter/receiver means and an associated memory storage means. The vehicle identifier is stored in the memory storage means. Each vehicle 1 also includes at least two sensors (page 3, paragraph 25, lines 2-3) such as an odometer reading sensor 30, or a fuel sensor 31. The information sensed by the sensors is transmitted to the device 14 and stored in the associated memory storage means. Each of the rental lots also includes a data collection base which receives the information stored in the memory of the vehicle device, including condition of the vehicle as determined by the sensors and location of the vehicle. The data collection database is intended for use as an ultimate billing repository. At the close of a rental transaction, the vehicle is moved to various stations within the lot for processing. Fixed position nodes 14a are placed within the

lot. The device functions as a vehicle locator and tracker within the lot 100 by communicating with the fixed position nodes 14a (paragraph 40) to transmit location information to the central database (paragraph 41). As the vehicle is moved around the vehicle rental lot, the location of the vehicle is transmitted to the central database. United States Patent Publication Number 2001/0037298 A1 does not disclose a system and method of identifying and locating a newly manufactured vehicle being stored in a storage yard prior to shipping. Nor does it disclose a system and method of a central database receiving a request for repair of a vehicle within the storage yard, locating the vehicle within the storage yard and updating a shipping status indicator stored in the memory of a selectively readable tag to prevent the release of the vehicle for shipment.

In contradistinction, claim 21, as amended, discloses a method of identifying and locating a fully assembled vehicle stored in a storage facility in order to perform a repair on the vehicle prior to releasing the vehicle for shipment from the storage facility to a potential customer. The method includes the steps of receiving an assembled vehicle at a storage facility for storing the vehicle prior to shipment, and storing the vehicle within the storage facility. The method also includes the steps of placing a selectively readable tag on the vehicle in order to operatively identify the stored location of the vehicle. The selectively readable tag is encoded with the stored location of the vehicle within the storage facility and a shipping status of the vehicle. The stored location of the vehicle within the storage facility and the shipping status are also stored in a computer database operatively in communication with the selectively readable tag. The method still also includes the steps of identifying a vehicle to be repaired using the computer database, and dynamically interrogating the selectively readable tag on each vehicle to locate a particular vehicle within the storage facility. It should be appreciated that the system automatically locates the vehicle and

transmits the location to the computer database. The method also includes the steps of updating the shipping status of the vehicle to be repaired encoded on the selectively readable tag and the computer database to prevent shipment of the vehicle to be repaired from the storage facility. The method further includes the steps of performing the modification to the vehicle and updating the shipping status of the vehicle on the selectively readable tag and on the computer database, to release the vehicle for shipment to the customer. Independent claims 29 and 35 are similar to claim 21, and include additional features.

United States Patent Publication Number 2001/0037298 A1 to Ehrman et al. does not disclose, anticipate or otherwise suggest the claimed invention of claim 21. United States Patent Publication Number 2001/0037298 A1 to Ehrman et al. merely discloses a rental vehicle return and billing system that utilizes information from sensors located in the vehicle that are in communication with a transmitter/receiver device on the vehicle to effectuate the rental transaction. The memory of the device only includes a vehicle identifier, such as the vehicle identification assigned to the vehicle by the vehicle manufacturer. The device is in communication with a sensor, such as a fuel sensor or an odometer sensor, and the sensed information is stored in the memory of the device. The purpose of the device is to effectuate an initial vehicle rental transaction and return of the vehicle, with calculations for mileage and fuel charges. The device does not include a shipping status indicator or a vehicle location indicator stored in the memory of the device, as in the present invention.

United States Patent Publication Number 2001/0037298 A1 to Ehrman et al. does not disclose a method of identifying a vehicle to be repaired using a central computer database and locating the vehicle to be repaired within a storage facility by transmitting a signal to a transmitting/receiving device on each of the vehicles. In fact the teachings of this patent publication teach away from the present invention, since the Ehrman et al. publication

discloses a method of using at least two sensors on the vehicle to sense a physical condition of the vehicle, and the sensed conditions are transmitted to a central database for processing. The transmitting/receiving device communicates with the fixed position nodes 14a located at the stations within the lot, which then transmit the location of the vehicle to the central database. The memory of the transmitting/receiving device does not includes a shipping status locator or a stored vehicle location indicator.

In Ehrman et al., the location of the vehicle is known based on the station it is located at within the rental yard. The availability of the vehicle for re-rental is assumed when the vehicle reaches the re-rental station within the yard. This is not the same as a method that assumes the vehicle is available for shipping when it arrives at the storage yard, and a request to repair a vehicle within a shipping yard is received and processed by the central computer, and a signal is transmitted from the central computer system to locate the vehicle within the shipping yard as in the present invention. In addition, a shipping status indicator is updated both on the computer and on a selectively readable tag located on the vehicle, to prevent shipping of the vehicle out of the storage yard. There is simply nothing in United States Patent Publication Number 2001/0037298 A1 to Ehrman et al. to suggest that the memory of the transmitting/receiving device includes a shipping status indicator or a vehicle location indicator. In fact, in Ehrman et al, the availability of the vehicle for re-rental is determined by the location of the vehicle within the ready area D, as shown in FIG. 2. This is clearly distinguishable from the present invention, which does not include stations, the stored vehicles do not pass through the stations, and the location of the vehicle is not assumed according to which station the vehicle is currently located at.

The purpose of the invention of Ehrman et al. is to sense vehicle conditions, store these conditions in a device onboard the vehicle and periodically transmit these conditions to

a central database for recordkeeping purposes. There is nothing in the Ehrman et al. publication to suggest that the central database initiates a repair of a particular vehicle, or transmits a signal to each vehicle to locate a particular vehicle. In fact, Ehrman et al. describes the central computer as "an ultimate billing information repository" (paragraph 16).

In Ehrman et al., "with the central database being constantly advised of real time location and thus readiness of the vehicle for re-rental (i.e. automated inventory control)" (paragraph 30), the readiness of the vehicle is implied from the real-time location of the vehicle. If the vehicle is in the ready to rent area, it is ready for re-rental. The device on the vehicle does not keep track of the location of the vehicle, as in the present invention. The methodology of Ehrman et al. is not the same as a methodology that includes the steps of receiving and storing a vehicle within a storage facility prior to shipment, placing a selectively readable tag on the vehicle that is encoded with the location of the vehicle within the storage facility and the shipping status of the vehicle. It is not the same as a methodology that identifies a vehicle to be repaired by the central computer database, and using a tag reader in communication with the central computer database to dynamically locate the vehicle by reading a tag on each of the vehicles. It is not the same as a methodology that updates the shipping status of the vehicle on the selectively readable tag and on the computer database to prevent shipment until the repair is completed.

There is nothing in the Ehrman et al. publication to suggest that the onboard device includes a memory containing the stored location of the vehicle or the shipping status of the vehicle, or that the stored location or shipping status is updated in the device. While Ehrman et al. does suggest that the vehicle may be located at a repair location within the rental yard, the location of the vehicle is known by the vehicle device transmitting a signal to a fixed position node 14a in the repair location, which sends a signal to the central database. Again,

based upon the location of the signal, the central computer database knows that the vehicle is in the repair station. Ehrman et al. does not suggest or disclose that the central computer database transmits a signal to operatively read the tag on each vehicle to locate the vehicle within the storage facility.

The Examiner suggests that Ehrman et al. discloses a method of identifying and locating a vehicle to be repaired that is stored in a storage facility prior to shipment. The Applicant respectfully disagrees. Ehrman does not disclose a method that includes the steps of placing a selectively readable tag on each vehicle, and the tag includes a memory containing the stored location of the vehicle and the shipping status of the vehicle, receiving a request to repair the vehicle by the central database and using the central database to locate an identified vehicle for the purpose of repairing the identified vehicle. In addition, Ehrman et al. does not disclose a method that includes the steps of updating the shipping status of the vehicle to be repaired on the selectively readable tag and the computer database. Rather, Ehrman et al. discloses a method whereby a device transmits a signal to a fixed position node, which in turn transmits a signal to a central computer database. Since the location of the fixed position node is known, the location of the vehicle can be ascertained. It is assumed by Ehrman et al. that as the vehicle is transferred between the car wash site, or gas site or repair site, and is not available for re-rental until it reaches the re-rental site.

Ehrman et al. does not include the step of sending a signal from the central computer database to identify a vehicle to be repaired in paragraph 41, as the Examiner suggests. Paragraph 41 describes what happens when the vehicle is returned to the lot, and the sensed information stored in the memory of the device, such as pertaining to fuel fill status, is transmitted to the central database in order to calculate the final rental bill. The device transmits a signal to a fixed position node, and the fixed node transmits a signal to the central

computer, indicating the location of the vehicle for inventory control and processing. The status of the vehicle is determined from the location of the vehicle at the various stations until it reaches the re-rental area.

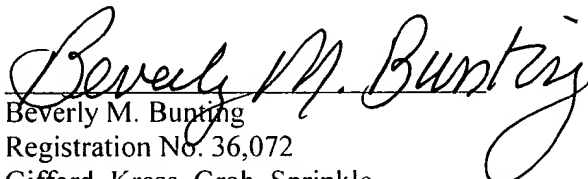
Ehrman et al. does not disclose the step of dynamically interrogating each vehicle to locate the vehicle within the storage facility in order to perform the modification. As discussed previously, there is nothing in the disclosure of Ehrman et al. to suggest that the central computer database uses the vehicle identifier stored in the memory of the computer database to identify a vehicle in need of repair, and use the vehicle identifier to locate the vehicle in order to perform the repair.

It is not enough for the Examiner to suggest that the Ehrman et al. publication provides for a method of identifying and locating a vehicle to be repaired that is stored in a storage using random phrases selected from the publication. According to MPEP 706.02, for anticipation under 35 U.S.C. §102(b), there must be some teaching in the reference to suggest the method taught by the Applicant. Any features not taught directly must be inherently present. The Applicant respectfully submits that the requisite teachings regarding the shipping status indicator and the vehicle location identifier stored in the memory of the selectively readable tag and the central computer system are not directly taught or inherently present by Ehrman et al. in the passages indicated by the Examiner. In addition, there are no requisite teachings regarding the central computer system locating the vehicle to be repaired by operatively reading the selectively readable tag on each vehicle to identify a vehicle and its location. Also, there are no requisite teachings regarding updating the shipping status indicator stored in the memory of a device onboard the vehicle.

Therefore, it is respectfully submitted that claims 21, 29 and 35, and the claims dependent therefrom, are in a condition for allowance, which allowance is respectfully solicited.

Based on the above, Applicant submits that the claims are in a condition for allowance, which allowance is respectfully solicited. If the Examiner finds to the contrary, it is respectfully requested that the undersigned in charge of this application be called at the telephone number given below to resolve any remaining issues.

Respectfully submitted,

  
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